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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Sylvie Jeannin

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ZHAO, DAQUAN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/029,812

Applicant(s)

JEANNIN, SYLVIE

Examiner

Daquan Zhao

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/4/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Status

1. Claims 21-24 are new; claims 1, 7, 10 and 20 are amended; claims 2-6, 8-9, 11-19 are previously presented.

Response to Arguments

2. Applicant's arguments with respect to claims 1- 24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21-24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear whether the "number of frame" in claims 21-24 refer to the "number of consecutive frames" or the "number of frame of the commercial"

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2621

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Ohta et al (US 6,449,021 B1).

In regards to claim 20, Ohta et al teach an apparatus for detecting a commercial in a video stream, comprising a detector configured to detect the commercial by detecting at least two consecutive scene changes in a number of consecutive frames the video stream, wherein the number of consecutive frames is less than a further number of frame of the commercial (e.g. column 9, lines 22-38, also see column 10, lines 1-33).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-12, 14-19, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al (US 6,449,021 B1) as applied to claim 20 above, and further in view of Christopher (WO 01/35409 A2).

See the teaching of Ohta et al above.

In regards to claim 1, Ohta et al fail to teach compressing video data and generating compressed video data. Christopher teaches compressing video data and generating compressed video data (e.g. page 6, lines 23-30). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Christopher into the teaching of Ohta et al to eliminate commercial of the decompressed video stream from the recording to decrease the cost and increase the sales (Christopher, page 2, line 15-18).

Claim 7 is rejected for the same reasons as discussed in claim 1 above, wherein Ohta et al also teach Identifying one of said separators as the beginning of a commercial break when the gap between said one separator and a previous separator is greater than a predetermined threshold value (e.g. column 11, lines 39-59, and figure 17 shows that the scene change section 1 is the beginning of the commercial); Identifying one of said separators as the ending of the commercial break when the gap between said one separator and a next separator is greater than said predetermined threshold value (e.g. column 11, lines 39-59, and figure 17 shows that the scene change section 4 is the end of the commercial, also see column 8, lines 23-49 for the predetermined threshold value);

In regards to claim 2, Ohta et al also teach Identifying one of said separators as the beginning of a commercial break when the gap between said one separator and a previous separator is greater than a predetermined threshold value (e.g. column 11, lines 39-59, and figure 17 shows that the scene change section 1 is the beginning of the commercial);

In regards to claim 3, Ohta et al teach Identifying one of said separators as the ending of the commercial break when the gap between said one separator and a next separator is greater than said predetermined threshold value (e.g. column 11, lines 39-59, and figure 17 shows that the scene change section 4 is the end of the commercial, also see column 8, lines 23-49 for the predetermined threshold value);

Claim 10 is rejected for the same reasons as discussed in claim 1 above, wherein Christopher teaches a playback selector for editing said compression video data to skip said commercial break for a subsequent viewing (e.g. page 2, lines 18-24).

For claim 11, Christopher teaches a memory for storing said compressed video data with the identification of the beginning and ending of said commercial break (page 14, lines 10-20).

For claim 12, Christopher teaches a decoder for generating decompressed video data (e.g. figure 1, Packet Video Decoder 178, and page 7, line 22-23).

For claims 4 and 8, Ohta et al teaches plurality of separators is inserted into said video data at a transmitting source (e.g. column 1, lines 44-47).

Regarding claim 5, Ohta et al teach detecting said plurality of separators in said compressed video data includes identifying an abrupt increase in an average Mean Absolute Difference (MAD) value of said generated compressed video data (e.g. column 8, lines 24-53).

Regarding claims 6 and 9, Ohta et al teach detecting said plurality of separators in said compressed video data is performed based on an increasing an average Mean

Absolute Difference (MAD) value of said generated compressed video data (e.g. column 8, lines 24-53).

Regarding claim 17, Ohta et al teach detector detects said plurality of separators based on an abrupt change in an average Mean Absolute Difference (MAD) value of said generated compressed video data (e.g. column 8, lines 24-53)

Regarding claim 18, Ohta et al teach compressed video data includes at least one of a quantizer scale, motion vector data, bit rate data, a variation of luminance within a frame, a variation of color within a frame, a total luminance of a frame, a total color of a frame, change in luminance between frames, a mean absolute difference, and a quantizer scale (e.g. column 8, lines 24-53).

Regarding claim 14, Ohta et al teach Compressed video data includes an identifier of a transition between a television program and said commercial break (e.g. column 9, lines 4-15, and figure 13)

Regarding claim 15, Ohta et al teach compressed video data includes an identifier of a transition between the successive commercial programs (e.g. column 9, lines 4-15, and figures 13, 14).

Regarding claim 16, Ohta et al teach compressed video includes an identifier of at least two successive scene cuts (e.g. column 10, lines 8-29).

For claim 19, Ohta et al teach a processor is programmed to identify an indicator of at least two scene cuts video data and to generate an identifier of the location in a sequence of said compressed video data coinciding with said indicator of at least two said scene cuts (e.g. column 10, lines 30-33).

Art Unit: 2621

Regarding claims 21-24, Ohta et al teach there are many number of frames in a video stream. The number of frames does not make any patentable difference because each scene change is detected between the current frame and the previous frame.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al (US 6,449,021 B1) and Christopher (WO 01/35409 A1) as applied to claims 1-12 and 14-24 above, and further in view of Sakaguchi et al (US 5,911,029).

See the teaching of Ohta et al and Christopher above:

For claim 13, Ohta et al and Christopher fail to teach identifier of a presence of a sequence of uni-color frames. Sakaguchi et al teach identifier of a presence of a sequence of uni-color frames (e.g. column 7, lines 1-8). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Sakaguchi et al into the teaching of Ohta et al and Christopher to simplify the commercial skipping operation (Sakaguchi et al, column 1, lines 56-63).

Art Unit: 2621

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao



THAI Q. TRAN 1000
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2600
Tran Thai Q
Supervisory Patent Examiner